

REMARKS / ARGUMENTS

The action by the Examiner in this application, together with the references cited, have been given careful consideration. In response to such consideration, claims 2, 5 and 6 have been amended to indicate that the elongated running truck body and the raising and lowering poles are each “comprised of” a one-piece rectangular pipe. It is believed that the foregoing amendments overcome the claim objections raised by the Examiner.

Claim 8 has been amended to overcome the Section 112 objection raised by the Examiner.

The claims essentially stand rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 4,113,119 to Brown et al. in view of newly-cited U.S. Patent No. 6,190,853 to Paulmichl. The Examiner takes the position that the Paulmichl reference discloses “poles 14-17 from one-piece rectangular pipe.” The Examiner argues:

“It is noted that as Paulmichl discloses seamless rectangular tubing they inherently are formed from one-piece rectangular pipe.”

Applicant respectfully submits that the Paulmichl reference does not teach, suggest or show one-piece rectangular pipe. In this respect, nowhere in the ‘853 patent to Paulmichl is the term “rectangular pipe” found. A computer search of the text of the cited ‘853 patent was conducted, and the term “pipe” did not appear in the patent text. The term “rectangular” appeared only once in column 4, line 6 that referred to the shape of pallet 1. More importantly, the ‘853 patent specifically teaches away from a rectangular pipe by indicating that the four (4) vertical guides or guide rails 14, 15, 16 and 17 have a “U-shape horizontal cross-section.” (See column 5, lines 1-2 of the ‘853 patent).

Accordingly, the ‘853 patent to Paulmichl does not teach, suggest or show “poles 14-17 from one-piece rectangular pipe,” as suggested by the Examiner. In fact, the Paulmichl reference specifically teaches that such poles are formed from a U-shape channel. Accordingly, since the Paulmichl reference does not teach, suggest or show the use of a “one-piece rectangular pipe,” the combination proposed by the Examiner to reject the claims can no longer stand.

Application No. 10/796,487
Amendment dated September 28, 2006
RESPONSE TO FINAL OFFICE ACTION dated July 31, 2006

None of the cited references, alone or together, teaches, suggests or shows the article conveying apparatus as presently set forth in the claims, or the advantage of such structure as set forth in previous Responses.

For the foregoing reasons, it is respectfully submitted that the claims are in condition for allowance, and favorable action is therefore respectfully requested.

Respectfully submitted,



Michael A. Jaffe, Esq.
Reg. No. 36,326

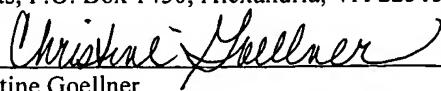
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KUSNER & JAFFE
Highland Place – Suite 310
6151 Wilson Mills Road
Highland Heights, Ohio 44143
(440) 684-1090 (phone)
(440) 684-1095 (fax)

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Date: September 28, 2006



Christine Goellner